



MAR 11 2003

TECH SERVER 1600/2900

Approved for use through 10/31/2004. GPO: 2004-149-0103
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

#32
BD
3-15-03**REQUEST**

FOR

**CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

Application Number	09/148,234
Filing Date	September 4, 1998
First Named Inventor	MOUTSATSOS, Iannis
Group Art Unit	1636
Examiner Name	SANDALS, William O.
Attorney Docket Number	P-4739-US

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.63 (d) (PTO/SB/28) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

a. Previously submitted

- i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on (Any unentered amendment(s) referred to above will be entered).
- ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. Other

b. Enclosed

- i. Amendment/Reply
- ii. Affidavit(s)/Declaration(s)
- iii. Information Disclosure Statement (IDS)
- iv. Other Communication in Response to Office Action dated February 7, 2002, including Declaration by Dr. Dan Gazit

2. Miscellaneous

a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)

b. Other

3. Fees The RCE fee under 37 C.F.R. § 1.17 (D) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 05-0649.

- i. RCE fee required under 37 C.F.R. § 1.17(e)
- ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. Other

b. Check in the amount of \$ enclosed

c. Payment by credit card (Form PTO-2058 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Mark S. Cohen	Registration No. (Attorney/Agent)	42,425
Signature		Date	March 6, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box RCE, Washington, D.C. 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on: ^

Name (Print/Type)		Date	
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND COMPLETED FORMS TO THE FOLLOWING ADDRESS: Assistant Commissioner for Patents, Washington, DC 20231.

03/07/2003 SDENBOB1 00000084 050649 09148234

01 FC:1801 750.00 CH



#36
BX
3-15-03

P-4739-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Moutsatos I. et al.

SERIAL NO.: 09/148,234

EXAMINER: Sandals, W.

FILED: September 4, 1998

ART UNIT: 1646

FOR: GENETICALLY ENGINEERED CELLS, WHICH EXPRESS
BONE MORPHOGENIC PROTEINS

COMMUNICATION IN RESPONSE TO OFFICE ACTION

ASSISTANT COMMISSIONER FOR PATENTS

WASHINGTON, D.C. 20231

Box: AF

Dear Sir:

This Communication is filed in response to the Office Action dated February 7, 2002 issued by the United States Patent and Trademark Office finally rejecting the claims in connection with the above-identified Application. A Notice of Appeal was submitted on August 6, 2002. An Appeal Brief was due October 6, 2002. Applicants are concurrently filing a Petition for an Extension of Time for an Additional Five (5) Months. Thus the subject Application is pending. Accordingly, this Communication is being timely filed.

REMARKS

Claims 11, 12, 14-17 and 19-23 are pending in the Subject Application.

THE TELEPHONE INTERVIEW

Applicants wish to thank Examiner William Sandals of the United States Patent and trademark Office for the telephone interview with Applicants' Representatives Mark. S. Cohen, and Barbara A. Gyure of Wyeth.

RECEIVED
MAR 11 2003
TECH CENTER 1600/2900